

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

John Michael Smith

Case No. 1:22-mj-30512

Judge: Morris, Patricia T.

Filed: 12-01-2022 At 01:08 PM

CMP USA v. John Michael Smith (krc)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of On or about 1/8/21, 1/9/21 & 12/1/22 in the county of Bay in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. §§ 2252A(a)(1) ; (a)(2); & (a)(5)(B)

Knowingly transported child pornography; knowingly distributed child pornography; and knowingly possessed child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 1, 2022City and state: Bay City, Michigan
Complainant's signatureNicole Dhooghe, TFO-FBI

Printed name and title


Judge's signaturePatricia T. Morris, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Nicole Dhooghe, being duly sworn, do hereby state as follows:

1. I am presently assigned to the FBI's Detroit Field Office, Flint Resident Agency, and have been since November 2021 as a Task Force Officer. I have been a Michigan State Trooper since October 2012. I work on a variety of criminal matters including the investigation of violent crimes and crimes against children. I have received training in the area of child pornography and child exploitation and have observed and reviewed examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved with investigations regarding child pornography and the exploitation of children through the internet. I have received training on the execution of search warrants to seize items of evidence from residences, communication providers, and electronic devices, such as cell phones and computers.

2. The facts in this affidavit come from my personal observations, my training and experience and the training and experience of other agents, and information obtained from other agents and witnesses. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Based on the facts below, there is probable cause that on or about January 8, 2021, John

Michael Smith (XX-XX-1975) knowingly transported child pornography in violation of 18 U.S.C. § 2252A(a)(1); that on or about January 9, 2021, Smith knowing distributed child pornography in violation 18 U.S.C. § 2252A(a)(2); and that on or about December 1, 2022, Smith knowingly possessed child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B).

3. On or about January 13, 2021, the National Center for Missing and Exploited Children (NCMEC) received a cybertip from Google. Google reported user “John Smith,” for possessing child pornography files stored in their Google Photos. NCMEC provided the subscriber information from the Google account identifying him as John Smith, with mobile phone numbers ending in 2634 (verified on 3/25/2020) and 4342 (verified on 4/3/2020), date of birth XX/XX/1975, email address: js3254293@gmail.com.

4. On January 8, 2021, the suspect account uploaded two images of child pornography to Google Photos, approximately five hours apart. D/Sgt. Zapolski reviewed the images and determined the videos constitute child pornography as defined by 18 U.S.C. § 2256, i.e., visual depictions of minors engaging in sexually explicit conduct.

5. The images are described as follows:

- Image 1 depicts a prepubescent female child, possibly under 10 years old, nude from the waist down. The child is laying down and

wearing a blue shirt and is not wearing pants or underwear. The child's legs are spread, exposing her nude vagina.

- Image 2 depicts a nude prepubescent female child, possibly under 10 years old. The child is laying on a green couch and her legs are spread, exposing her nude vagina. The child is touching her vagina with the fingers of her left hand.

6. D/Sgt. Zapolski conducted a TLO online database check for public and proprietary data, for the phone numbers in the cybertip. TLO reported both numbers resolve to John Michael Smith, with a date of birth in 1975. TLO also reported John Michael Smith had an email address of js3254293@gmail.com.

7. John Michael Smith is on the Michigan Sex Offender Registry (SOR) for a 2003 conviction for criminal sexual conduct – second degree (person under 13) in 18th Circuit Court in Bay County, Michigan. The victim in that case reported to police that Smith had assaulted her by repeatedly squeezing her genital and breast areas against her will, between when she was approximately 10 and 14 years old. Smith's date of birth is the same month, date, and year as the date of birth associated with the js3254293@gmail.com account.

8. On February 9, 2022, US Magistrate Judge Morris authorized a search warrant for Google account js3254293@gmail.com and the warrant was executed to Google the same day. The information received from Google, as well as other

information from the investigation, further corroborated that Smith was the user of the account that had uploaded child pornography. For instance, in the account's Google Hangout chats, the user of the account sent numerous "selfie" style photographs. Det/Sgt. Zapolski compared these photographs to Smith's Michigan Secretary of State photograph, and the photographs appear to be of Smith. IP address data and email content also showed that the account was associated with John Smith and with at least two other addresses that were also associated with Smith.

9. Det/Sgt. Zapolski also reviewed Google Hangouts chats between the account user and various other accounts during the period between April 2020 and the date of Google's first cybertip in January 2021. The user of the account (hereinafter referred to as Smith) requested or sent child pornography, discussed his sexual interest in children, and/or requested access to others' children.

10. In a Google Hangouts chat in or around April 2020, Smith asked the other individual, "have u seen little girls naked" and asked if the other individual had any children. The other individual indicated that he/she had a 6-year-old girl and a 4-year-old boy. Smith then asked if he could "jack off on her panties," and told the other individual, "send me a pic of her with her legs open." During the chat, Smith repeatedly expressed a desire to engage in sexual activity with the 6-year-old female child. Smith also stated that he "went to prison for touching a

little girl.” As described above, Smith has a prior conviction for criminal sexual conduct involving sexual contact with a minor victim under the age of 13.

11. In another Google Hangouts chat between approximately April 2020 and January 2021, Smith asked the other individual, “u have nudes of little girls.” Smith sent a selfie-style image of himself on April 21, 2020. In July 2020, Smith asked the other individual, “if u came home an seen me getting off on a little girl would u leave.” In the chats, Smith also expressed an interest in having sex with his and the other individual’s hypothetical daughter. On January 9, 2021, Smith sent the other individual a picture of a prepubescent female child wearing a blue dress and white knee socks. The child is not wearing underwear. The child is sitting on a blue railing with her legs spread and her nude vagina exposed.

12. On December 1, 2022, law enforcement executed federal search warrants at Smith’s current residence and on his person and immediate vicinity in Bay City, Michigan. Smith’s cellular phone was seized after he was stopped in his vehicle. Smith was the only occupant of the vehicle at the time. Law enforcement conducted an initial preview of Smith’s phone and located at least three images of child pornography in a trash folder on the phone. One of the images showed a nude female aged approximately 12-14 years old, lying down, with her hands behind her head and her legs spread, with her nude vagina as the focal point of the image. Smith also acknowledged to law enforcement that he was the user of the

account js3254293@gmail.com. He further told law enforcement that he had downloaded and viewed child pornography within approximately the last month.

13. Based upon the foregoing information, I believe that probable cause exists that Smith is the user of the seized cellular phone and of the Google account js3254293@gmail.com, and that Smith has violated 18 U.S.C. § 2252A(a)(1) (transportation of child pornography), 18 U.S.C. § 2252A(a)(2) (distribution of child pornography), and 18 U.S.C. § 2252A(a)(5)(B) (possession of child pornography) in the Eastern District of Michigan. Accordingly, I ask the Court to issue a criminal complaint and arrest warrant for John Michael Smith.


Nicole Dhooghe
Task Force Officer, FBI

Sworn to and subscribed before me and/or by reliable electronic means on

December 1, 2022.


Hon. Patricia T. Morris
United States Magistrate Judge